

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CLIFFORD HILER,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-18-773-HE
	)	
JASON BRYANT, Warden, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Clifford Hiler, a state prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983 alleging a violation of his Eighth Amendment rights. He also filed a motion seeking leave to proceed *in forma pauperis* (“*ifp*”). Pursuant to 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin. The magistrate judge granted plaintiff’s motion to proceed *ifp* but ordered plaintiff to pay an initial partial filing fee of \$72.10 by September 5, 2018. Plaintiff was advised that he could voluntarily dismiss the action by that date without incurring any fees or costs. He was further advised that the action would be dismissed without prejudice if he failed to make the initial partial payment or show cause in writing why he failed to pay by the specified date. When plaintiff neither made the initial partial payment nor otherwise responded to his order, the magistrate judge recommended that the action be dismissed without prejudice.

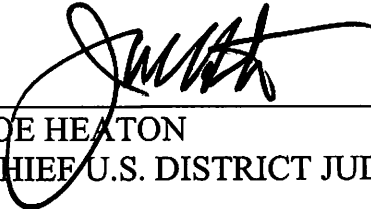
Objections to the magistrate judge’s Report and Recommendation were due by October 11, 2018. On October 15, the court received a letter from plaintiff. He stated that that he had limited funds and would pay \$40 now and asked for an extension until

November to pay the rest of the initial filing fee. On October 17, 2018, the court clerk's office received funds from plaintiff in the amount of \$42.10.

The court concludes plaintiff's request for an extension of time within which to pay the remainder of the filing fee should be granted. Plaintiff is directed to pay the remaining \$30 of the initial partial filing fee by November 17, 2018, with the remainder of the \$350 fee to be paid as directed by the magistrate judge in his August 17, 2018, order. Failure to pay the \$30 by November 17, 2018, will result in the dismissal of this action without prejudice.

**IT IS SO ORDERED**

Dated this \_\_\_th day of \_\_\_\_, 2018.



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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE